

**House File 527 - Introduced**

HOUSE FILE 527

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 51)

**A BILL FOR**

1 An Act requiring a person other than a juvenile convicted  
2 of or receiving a deferred judgment for an aggravated  
3 misdemeanor to submit a DNA sample and including effective  
4 date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 81.1, Code 2013, is amended by adding the  
2 following new subsection:

3 NEW SUBSECTION. 01. "*Aggravated misdemeanor*" means any  
4 offense classified as an aggravated misdemeanor, other than an  
5 aggravated misdemeanor under chapter 321, but only if committed  
6 by a person eighteen years of age or older.

7 Sec. 2. Section 81.2, subsection 1, Code 2013, is amended  
8 to read as follows:

9 1. A person who receives a deferred judgment for a felony or  
10 aggravated misdemeanor or against whom a judgment or conviction  
11 for a felony or aggravated misdemeanor has been entered shall  
12 be required to submit a DNA sample for DNA profiling pursuant  
13 to section 81.4.

14 Sec. 3. Section 81.10, subsection 1, Code 2013, is amended  
15 to read as follows:

16 1. A defendant who has been convicted of a felony or  
17 aggravated misdemeanor and who has not been required to submit  
18 a DNA sample for DNA profiling may make a motion to the court  
19 for an order to require that DNA analysis be performed on  
20 evidence collected in the case for which the person stands  
21 convicted.

22 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
23 3, shall not apply to this Act.

24 Sec. 5. EFFECTIVE DATE. This Act takes effect July 1, 2014.

25 EXPLANATION

26 Current law provides that a person who is convicted of or  
27 who receives a deferred judgment for an offense classified as a  
28 felony shall submit a DNA sample for DNA profiling.

29 This bill requires a person convicted of or who receives  
30 a deferred judgment for an offense that is classified as  
31 an aggravated misdemeanor to submit a DNA sample for DNA  
32 profiling.

33 The bill defines aggravated misdemeanor to mean any  
34 offense classified as an aggravated misdemeanor other than an  
35 aggravated misdemeanor under Code chapter 321, but only if

1 committed by a person 18 years of age or older.

2 The bill allows a defendant convicted of an aggravated  
3 misdemeanor and who has not been required to submit a DNA  
4 sample to move the court to order DNA profiling of evidence  
5 collected in the defendant's case.

6 The bill may include a state mandate as defined in Code  
7 section 25B.3. The bill makes inapplicable Code section 25B.2,  
8 subsection 3, which would relieve a political subdivision from  
9 complying with a state mandate if funding for the cost of  
10 the state mandate is not provided or specified. Therefore,  
11 political subdivisions are required to comply with any state  
12 mandate included in the bill.

13 The bill takes effect July 1, 2014.